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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,725	07/26/2001	Todd A. Edwards	A-69861/ENB	9438

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EXAMINER

TRAN, KHOA H

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 07/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/916,725

Applicant(s)

EDWARDS, TODD A.

Examiner

Khoi Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,8,9,11-15,17 and 25-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 6,7,10,16,18-24 and 32 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07-26-2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Election/Restriction***

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I: Figures 1-4.

Species II: Figures 5-7.

Species III: Figure 8.

Species IV: Figures 9-12.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 11, and 25 are generic claims

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record

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showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Mr. Edward N. Bachand on June 17, 2002 a provisional election was made without traverse to prosecute the invention of Species I, Figures 1-4, claims 1-5, 8, 9, 11-15, 17, and 25-31. Affirmation of this election must be made by applicant in replying to this Office action. Claims 6, 7, 10, 16, 18-24 and 32 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Abstract***

The abstract of the disclosure is objected to because of the use of phrases which can be implied, such as "is provided", which should be avoided. Correction is required.

### ***Drawings***

The drawings are objected to because they fail to show reference numerals "116" as described on page 8, line 14. Correction is required.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

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***Specification***

On page 8, line 17, "side portion 89" should be --side portion 98-- in order to agree with what has been shown in the drawings. Correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8, 9, 11, 13, 14, 15, 17, 25-27, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Francis P. Brennan. Brennan discloses an apparatus for receiving and separating a plurality of hangers comprising a body (10) having a substantially planar central portion (11a) with two sidewall portions (11b) that are opposite and inclined at respective angles relative to the central portion and extended downwardly toward the hangers. The central portion having a longitudinal axis and a plurality of spaced apart openings (O1 and O2) extended through the top and bottom surfaces of the central portion. See Figure 2.

Claims 1, 2, 5, 8, 9, 11, 14, 15, 17, 25-27, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by De Beer. De Beer discloses an apparatus for receiving and separating a plurality of hangers comprising a substantially planar central portion (1 and 1') having a plurality of space-apart openings (6 and 6') extended through the top and bottom surfaces of the central portion. The central portion further has first

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and second portions (7 and 7') that are inclined at respective angles relative to the central portion and extended downwardly toward the hangers, wherein first and second portions are bendable relative to each other. See Figures 1b and 4.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 12, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francis P. Brennan as applied to claims 1, 2, 8, 9, 11, 13, 14, 15, 17, 25-27, and 31 above, and further in view of I Richer ('160). I Richer ('160) teaches a foldable hanger apparatus (10) made from a blank cardboard, see Figures 4-6. It would have been obvious to one of ordinary skill in the art at to have made the hanger apparatus of Brennan from a blank cardboard as taught by Richer ('160) in order to enable the hanger to be folded for the purpose of shipment or storage.

Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Beer as applied to claims 1, 2, 5, 8, 9, 11, 14, 15, 17, 25-27, and 31 above, and further in view of Mailloux et al. Mailloux et al teach a hanger tie securing means (10) clips around the necks of pluralities hangers. See Figure 4. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the hanger apparatus of De Beer with the provision of a hanger clip as taught by Mailloux et

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al. in order to have a tie clip to tie the pluralities of hangers together in a set for separating them from other groups of hangers for dry cleaning purpose.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moen et al., I Richer ('460), H. J. Abramson, Hayward, Durin, Leyden et al., K. H. Whitney, Pacheco, d. Sadwin, and Tiss are cited to show devices having similar configurations of design.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 8:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group is (703) 305-3597 or (703) 305-3598.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

If the applicant is submitted by facsimile transmission, applicant is hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and M.P.E.P. 502.02). In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check **should not be** submitting by facsimile transmission separately from

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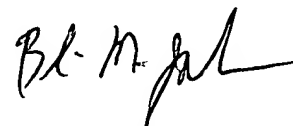
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Furthermore, please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Khoa Tran  
June 19, 2002



Blair M. Johnson  
Primary Examiner